

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. FOR THE USE & BENEFIT OF DIXION MA No. C 05-02039 SI

Plaintiff,

**ORDER OF DISMISSAL UPON  
SETTLEMENT**

v.

MASS EX CONSTRUCTION CO.,

Defendant.

The parties to the action, by their counsel, have advised the court that they have agreed to a settlement.

IT IS HEREBY ORDERED that this matter is DISMISSED WITH PREJUDICE. However, that if any party hereto certifies to this court, with proof of service of a copy thereon on opposing counsel, within ninety days from the date hereof, that settlement has not in fact occurred, the foregoing order shall be vacated and this cause shall forthwith be restored to the calendar for further proceedings.

Dated: 11/30/05

  
SUSAN ILLSTON  
United States District Judge